

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

F E B R U A R Y 2 , 2 0 0 6

The regular meeting of the City Planning Commission and public hearing convened at 1:34 pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Matthew Jenkins, Nick Sramek
Charles Winn, Mitch Rouse
Morton Stuhlbarg, Charles Greenberg
(arrived for Item 3)

ABSENT: EXCUSED: Leslie Gentile

CHAIRMAN: Matthew Jenkins

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Lynette Ferenczy, Planner
Jayme Mekis, Planner
Steven Valdez, Planner

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

The pledge of allegiance was led by Commissioner Rouse.

S W E A R I N G O F W I T N E S S E S

C O N S E N T C A L E N D A R

Commissioner Winn moved to approve the Consent Calendar as presented by staff. Commissioner Sramek seconded the motion, which passed 4-0. Commissioner Rouse was outside the council chambers. Commissioner Gentile was absent and Commissioner Greenberg had not yet arrived.

**1A. Case No. 0510-01, CE 05-187, Conditional Use Permit,
Site Plan Review**

Applicant: Glenn Arneson
Subject Site: 4800 E. Pacific Coast Hwy.(Council Dist. 4)
Description: Request for Conditional Use Permit and Site
Plan Review approval to establish an oil change facility at
an existing car wash.

Approved the Conditional Use Permit and Site Plan Review
requests subject to conditions.

1B. Case No. 0511-06, CE 05-217, Tentative Parcel Map

Applicant: Scott Ayres
Subject Site: 2331 East 10th Street (Council District 4)
Description: Request for approval of Tentative Tract Map
No. 065075 to convert eight residential dwelling units into
condominiums.

Approved Tentative Tract Map No. 065075, subject to conditions.

R E G U L A R A G E N D A

**2. Case No. 0312-19, ND 02-05, Zone Change, Site Plan
Review, Lot Merger, Standards Variance**

Applicant: Pastor Nelson
Subject Site: 1401 West 34th Street (Council District 7)
Description: Request for a Zone Change for R-1-N
(residential, single family) to I (Institutional) and Site
Plan Review to remodel and expand an existing church and
parking lot with a Standards Variance for a spire height of
40' (instead of not more than 30'); less than 5' interior
landscape setback; relocating an existing driveway along
the southern portion of the property approximately 20' from
the corner of 34th Street and Delta Avenue (instead of not
less than 90' from the corner); allowing side yard setbacks
of 3' and 5' (instead of not less than 10'); providing 40
new parking spaces (instead of the required 44); and a Lot
Merger.

Jayne Mekis presented the staff report recommending approval of
the request since it would allow an existing church to remain as
a permanent land use and to continue to provide services to the
community with minimized potential land use conflicts due to the
conditions of approval.

Pastor Nelson, 1401 W. 34th Street, applicant, explained how they would use the improvements in continuing to serve area residents.

John Atkinson, 2865 Adriatic, homeowners association representative, stated that their group had no objection to the proposal and felt it would enhance the neighborhood.

Russell Yoakun, 3432 Denver, adjacent neighbor, expressed concern about potential littering, loitering and noise issues created by the parking lot and church uses.

Prentiss Mitchell Jr., 2941 Baltic Avenue, area resident, said he felt the church was an asset to the neighborhood and its religious infrastructure.

Shirley Jackson, 1385 Tabor Street, resident, agreed that the church was an asset and the requested improvements would help the pastor reach out to more neighbors.

Daniel Jones, 3238 Delta Avenue, agreed the church was an invaluable, longtime asset to all area residents.

Pastor Leo Holt, 3920 Denver Avenue, stated he supported the application but as a resident of the other church on the site, asked if there would be any conflict with their own outreach efforts.

Charles Patan, 3420 Denver Avenue, another on-site church resident, asked about the legal issues involved with their sub-lease at the site.

Deputy City Attorney Mais noted that the lease issue was a civil one outside the jurisdiction of the Planning Commission.

Resident John Atkinson proposed that the parking lot be gated when not in use to avoid through traffic problems.

Carolyn Bihn explained how the applicant would be required to mitigate specifically identified neighborhood concerns about lighting, access and security, and suggested adding conditions to require that the parking lot be secured after hours and that all music be played inside the church with the doors closed and soundproofed to meet noise ordinances. Pastor Nelson accepted the additional conditions.

Commissioner Sramek moved to certify Negative Declaration No. 02-05 and to approve the Zone Change, Site Plan Review, Lot Merger and Standards Variances with amended conditions. Commissioner Stuhlbarg seconded the motion, which passed 5-0. Commissioner Gentile was absent and Commissioner Greenberg arrived during the discussion and didn't vote.

3. Case No. 0510-12, CE 05-192, Conditional Use Permit

Applicant: Mike Robinson
Subject Site: 2201 Lakewood Blvd. (Council District 5)
Description: Request for a Conditional Use Permit for a check cashing/money transfer store in a neighborhood shopping center.

Steven Valdez presented the staff report recommending denial of the request since there are already numerous financial institutions in the area, and because the use has the potential to raise the crime rate and calls for service.

Commissioner Greenberg said he thought it unfair to compare the clientele of a traditional bank to this check cashing operation. Angela Reynolds explained that the General Plan did not differentiate between the uses.

Commissioner Winn pointed out that the check cashing use was a valuable one for many neighborhoods and stringent conditions of approval were always in place.

Mike Robinson, 5617 Calhoun Avenue, Van Nuys, applicant, explained that their operation was more like a bank in that their hours of operation were similar and limited services were offered.

Marina Miller-Foley, 13629 Rachel Road, Yucaipa, 92399, Regional Manager, Check Into Cash, cited the safety records of their other 150 similar operations, and noted that they served as a payday advance service, not a check cashing service, and they required higher financial standards of their clients while remaining involved in community activities.

Ken Robertson, 250 Newport Center Drive, Newport Beach, Treadwell Robertson, property owner, said this upscale operation was part of the overall improvement plan for his shopping center.

Nate Zahn, 2158 Clark, neighbor, presented a petition from area residents in opposition to a traditional check cashing facility, and asked for more time to learn about the actual uses planned.

Dave Zahn, 2209 Lakewood Blvd., adjacent land owner, said he did not understand the operation type either, but he was concerned it could create a dangerous situation for clients with cash.

Commissioner Greenberg said he felt the payroll advance operation sounded benign but was being stereotyped as a typical check cashing operation, and he asked for input from the Police Department about the use.

Commissioner Greenberg moved to continue the item to the March 2, 2006 meeting in order to allow the applicant to meet with opposition to explain the use and for staff to assemble a list of conditions tailored for this specific use. Commissioner Winn seconded the motion, which passed 6-0. Commissioner Gentile was absent.

4. Case No. 0511-05, CE 05-216, Administrative Use Permit, Local Coastal Development Permit

Appellant: Ben Knight
Applicant: Casey Kammel for Executive Fitness
Subject Site: 5708 & 5710 East 2nd St. (Council District 3)
Description: Appeal of the Zoning Administrator's decision to approve a Local Coastal Development Permit and Administrative Use Permit allowing the establishment of a personal training studio with spa, massage and cosmetic care.

Jayne Mekis presented the staff report recommending denial of the appeal since the existing building is currently classified as legal non-conforming for parking, and because this use will generate less parking needs since the owner has agreed to limit the number of on-site clients.

Ben Knight, 5700 E. 2nd Street, appellant, stated he was opposed to the use because the area was underparked even if grandfathered, and he thought the area was already saturated with similar uses. Mr. Knight also claimed it would be too hard to police the limit on clients.

In response to a query from Commissioner Greenberg, who pointed out that most other permitted uses would generate greater parking demand, Mr. Knight said he'd rather see an art gallery,

consignment store or other single-clerk operation. Commissioner Stuhlbarg noted that most single-clerk stores were not financially viable in that high-rent district.

Doug Otto, 111 W. Ocean Blvd., S. 1300, applicant representative, stated they were in agreement with all the conditions of approval and that their own parking study showed adequate parking for the use. Mr. Otto also agreed to submit to staff specific plans to show all inside uses of the facility.

Robert Goforth, 5727 Campbell Walk, expressed support for the appeal, saying he was concerned about parking impacts in the evening when many other uses got busy.

Charlie Ligeman, 3580 E. Pacific Coast Hwy., #7, subject property owner, claimed personal experience with evening parking issues, saying that there was plenty of parking at that time, and a restaurant would have much more impact on the area.

John Segmeister, 148 Rivo Alto Canal, said he supported the applicant, agreeing that area parking was always impacted but that many of the operation's clients would be local residents.

Ryan Hyman, 5150 E. Pacific Coast Hwy., Prudential California Real Estate, said that the use would encourage job growth in the area.

John Molina, 5668 Naples Canal, noted that the applicant had a great track record for business success, and that the market, not parking issues or the Planning Commission, would drive success or failure.

Ben Knight, appellant, reiterated his claims that some of the conditions of approval would be difficult to enforce.

Carolyn Bihn noted changes to conditions regarding the total number of personnel, and adding a condition requiring a permanent sign be posted advising clients not to park in the private lot to the south.

Commissioner Stuhlbarg moved to sustain the decision of the Zoning Administrator to grant the Local Coastal Development Permit and Administrative Use Permit allowing a personal training studio with spa, massage and cosmetic care, and to deny the appeal, with amended conditions of approval as per staff. Commissioner Winn seconded the motion, which passed 6-0. Commissioner Gentile was absent.

5. Case No. 0504-01, ND 31-05, Site Plan Review, Subdivision Map, Standards Variance

Applicant: Warren Hughes, Hughes Development Inc.
Subject Site: 1500 Pine Avenue (Council District 1)
Description: Request for approval of a Site Plan Review and Tentative Tract map for a two-story 22-unit condominium complex (includes a density bonus for two very-low income units) and a Standards Variance to allow vehicle access from Pine Avenue instead of limiting vehicle access to the alley.

Carolynne Bihn presented the staff report recommending approval of the requests since the proposal was consistent with City regulations and zoning, and would provide increased home ownership opportunities while positive findings could be made to grant the Standards Variance request given the site's topography.

In response to a query from Commissioners Greenberg and Sramek, Patrick Ure, Housing Bureau representative, explained that low income residents would pay the same association dues as market-rate occupants with the cost factored in when they were qualified to buy, but that there was no way to predict or control special association assessments that might arise later on.

Warren Hughes, applicant, Hughes Development, 200 S. Pacific Coast Hwy., added that some units were designated for low-income residents, and that they agreed with all the conditions of approval.

Ms. Bihn noted modifications to the language of Condition 19 regarding the deed restriction for low-income units, and applicant Hughes accepted the amendment.

Commissioner Sramek moved to certify Negative Declaration No. 31-05 and to approve the Site Plan Review, Tentative Tract Map and Standards Variance, subject to amended conditions.
Commissioner Winn seconded the motion, which passed 6-0.
Commissioner Gentile was absent.

6. Case No. 0512-32, ND 16-03, Modification to an Approved Permit

Applicant: Steven Clark, James Ratkovich & Associates
Subject Site: 100 East Ocean Blvd. & 207 Seaside Way
(Council District 2)

Description: Request to modify an approved permit (Case No. 0210-04 Vesting Tentative Tract Map, Site Plan Review, Local Coastal Development Permit and Standards Variance) for construction of a 23-level high rise residential building (19 stories over four levels of parking) with 155 residential condominium units and ground floor commercial uses. This development includes an off-site parking garage to be located at 207 Seaside Way. The proposed modifications include changes to the exterior building design, an additional level of underground parking, an increase in lot coverage, a change to the Victory Park improvements and a new request for reduced corner cutoff at the driveway entrances.

Lynette Ferenczy presented the staff report recommending approval of the modification since the proposed changes would improve the project by increasing the parking and assuring the overall design is attractive and sensitive to surrounding properties while remaining consistent with the intent of PD-6.

Steven Clark, 2 North Lake Avenue Suite 230, Pasadena, applicant, explained that they had made arrangements to use an adjacent site for construction staging.

Charles Rosenson, 210 E. Ocean, Breakers representative, expressed concerns about the lack of parking and unaffordability of rental spaces in the new garage for Breakers residents. Mr. Rosenson also noted that in the short term, residents would be negatively affected by construction impacts, and in the long term, they would suffer from view and light blockage. He then asked for a deed restriction on the 207 Seaside parking structure to disallow construction of condominiums on top.

Chris Autry, P. O. Box 20378, Long Beach, East Village Association, asked why the condition related public art had been removed, and Ms. Ferenczy explained that it was determined that this project is exempt as it is not financially assisted by the Redevelopment Agency.

Commissioner Greenberg suggested that the applicant continue to meet with interested parties to work out compromises on sensitive issues.

Commissioner Winn said he thought this was a quality project that would have a positive economic impact on the City.

Commissioner Greenberg then moved to approve the modification request, subject to the revised conditions. Commissioner Winn seconded the motion, which passed 6-0. Commissioner Gentile was absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

Greg Carpenter noted that 2006 training objectives included a discussion on how State law affected affordable housing requirements, and he asked for the Commission's input.

Angela Reynolds added that staff was researching the long-term effect of condominium conversion and how to streamline the process.

Suzanne Frick stated that a citation administration penalty process now in place would be a new, effective tool and soon allow staff to do proactive monitoring of conditions of approval.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

Chairman Jenkins suggested looking into the impact of errors on the City's revenue tax base.

Commissioner Sramek suggested a study session to gain more insight into check cashing and payroll advance operations.

A D J O U R N

The meeting adjourned at 4:43pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk